

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL
COUNCIL of CARPENTERS PENSION
FUND, et al.

Plaintiffs,

v.

W.W. TIMBERS, INC.

Defendant.

Case No. 14 C 7691

Judge Gettleman

Motion for Entry of Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court for an entry of judgment and in support Plaintiffs state:

1. This is and ERISA trust fund case seeking delinquent contributions, interest, liquidated damages, dues check-off and attorney fees.

2. On January 21, 2015 this Court entered an Order of Default against the Defendant for its failure to answer to the complaint. (Exhibit A)

3. The Order of Default directed the Defendant, among other things, to submit reports and contributions. The Court retained jurisdiction to enter a final judgment for the contributions and dues checkoff shown to be owed by way of an estimate or otherwise, including interest, liquidated damages and attorney fees pursuant to the trust agreements and ERISA Section 1132(g)(2). (Exhibit A)

4. The Defendant submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed until after the lawsuit was filed. The Defendant did not pay the liquidated damages or attorney fees. (Exhibit B, affidavit of John Libby)

5. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$2,028.56 for the period May 2014 through January 2015 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B)

6. The Defendant owes the sum of \$4,985.75 for necessary and reasonable attorney fees and costs of \$455.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit C, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted in the amount of **\$7,469.31**.

Respectively submitted,

s/ DANIEL P. McANALLY
Attorney for Plaintiffs

Whitfield McGann & Kettermann
111 E. Wacker Drive
Suite 2600
Chicago, IL 60601
312.251.9700